IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1461 OF 2006

Vijay Ramdas Bhoir. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Shri N.N. Gavankar with Shri A.N. Shetye for Applicant.
Shri Y.S. Shinde, APP for the State.
Shri R.D. Suryawanshi for Orig.Complainant.

CORAM : V.M. KANADE, J.

DATED : APRIL 24, 2006

P.C. :-

. Heard learned Counsel for the applicant, learned Counsel for the complainant and learned APP for the State.

. The applicant was arrested by the Vithalwadi Police Station in connection with an offence punishable under Sections 147, 148, 149, 302, 324, 326, 307 IPC. He was arrested on 23rd December, 2005.

2. The prosecution case is that there was a dispute between the two groups and on account of the said dispute in respect of the agricultural land, it is alleged that the accused assaulted the complainant and

others. So far as the present applicant is concerned, the only role which is attributed is that he was holding a stick. None of the witnesses have stated that he has assaulted the deceased. In the said assault, one person died and seven other persons were injured. From the perusal of the statement of the witnesses, it can be seen that one of the witnesses, soon after they regained consciousness, has stated that the applicant was also present with a wooden stick in his hand alongwith the other accused.

3. It is submitted that the chargesheet has been filed. All the material on record does not indicate that the applicant had committed any overreact or had shared the common intention of the other assailants. Apart from the statement of witnesses who states that he was present with a wooden stick, there is no other evidence so far as recovery of the weapon.

4. Learned Counsel for the complainant vehemently opposed the application for grant of bail. He invited my attention to the statement of witnesses. He

submitted if the applicant is released on bail, he would tamper with the evidence.

5. Since the chargesheet has been filed and none of the witnesses attributed specific role of the applicant except that he was holding a wooden stick, in my view, the applicant is entitled to be released on bail subject to certain stringent conditions being imposed on him.

6. The applicant be released on bail in the sum of Rs.5000/- with one or two sureties in the like amount. The applicant shall not enter the jurisdiction of Thane District during the pendency of the trial. The applicant shall give his new residential address to the Superintendent of Jail before his release and he shall report to the nearest police station from his new address twice in a month.

7. The applicant shall not tamper with the evidence or threaten any witnesses. If any complaint is received by the Investigating Officer from any of the witnesses, the Public Prosecutor is at liberty to file an

application for cancellation of bail.

8. The trial Court shall not be influenced by any observations made by this Court while deciding the application and the same shall not be construed as an expression of opinion on merits of the case.

9. It is clarified that the applicant may enter the jurisdiction of Thane District for the purpose of attending the dates in the Sessions Court.

. The application is disposed of.

(V.M. Kanade, J.)